In accord with this policy, the decision-makers in Washington did not assign much weight to the area office's recommendation. Skibine read and considered the MAO recommendation, but considered it his job to look at the application "anew" and see whether the area office recommendation was "justified."[147] Skibine reported that he did not consider overriding an area office recommendation unusual, and he noted other instances where the IGMS had done so.[148] Hartman believed that it was IGMS's role to perform a *de novo* review. At the time of the Hudson application, Hartman said he probably viewed the MAO recommendation as "having strong presumptive validity,"[149] but he did not feel bound to follow it.

During this initial analysis, IGMS staff focused primarily on the applicants' financial agreements and the results of consultation reported in the MAO findings and recommendation. The three staffers identified several concerns about whether the proposal was in the "best interests" of the tribe and described them in contemporaneous draft reports. First, they were concerned that the arrangement between the tribes and the track owner created a "doughnut" of land around the trust lands not within the control of the tribes or the United States as trustee. If the parking lot lease with the tribes were canceled, their non-Indian partner could control, and limit, access to the casino facility.[150] Second, Hartman was concerned that the parking lot lease

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[147]Grand Jury Testimony of George Skibine, June 25, 1999, at 55-56 (hereinafter "Skibine G.J. Test.").

[148]As discussed above in Section II.B.2., as of May 1998, only five of 10 applications forwarded to central BIA from the Area Offices with approval recommendations received a favorable two-part finding under IGRA Section 20(b)(1)(A).

[149]Grand Jury Testimony of Thomas Hartman, May 12, 1999, at 26.

[150]*Id.* Hartman and others said that concern about this issue was heightened because it

(continued...)